

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 TRACY HARDYAL, et al.,

9 Plaintiffs,

10 v.

11 US BANK NATIONAL  
ASSOCIATION,

12 Defendant.

C17-1416 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable  
Thomas S. Zilly, United States District Judge:

14 (1) The Court has reviewed Plaintiffs' Motion for Summary Judgment, docket  
15 no. 35 (the "Motion"), and the corresponding papers. Each party is DIRECTED to file  
16 one supplemental brief, not to exceed ten (10) pages, on or before July 6, 2018,  
17 addressing: (a) whether any acceleration in 2008 was waived or abandoned as a result of  
18 the Forbearance Agreement and subsequent conduct, *see* Declaration of Sony Prudent in  
19 Support of Defendant's Response to Plaintiffs' Motion for Summary Judgment, docket  
no. 39, Exhibits 6–8; (b) whether the Court can rule on the waiver issue as a matter of  
law; (c) the application, if any, of *Equitable Life Leasing Corp. v. Cedarbrook, Inc.*, 52  
Wn. App. 497, 501–02 (1988); and (d) if the debt was accelerated in 2008 and  
subsequently waived, what is the legal effect, if any, of the subsequent waiver. The  
Motion is RENOTED to July 6, 2018.

20 (2) The Court SETS oral argument on the Motion for July 20, 2018, at 10:00  
21 a.m.

(3) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 27th day of June, 2018.

William M. McCool  
Clerk

s/Karen Dews  
Deputy Clerk